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Notice of Allowability	Application No.	Applicant(s)	
	10/619,002	HUANG ET AL.	
	Examiner	Art Unit	
	Stanley J. Pruchnic, Jr.	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 15 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Attorney ROBERT BERDO on **15 June 2004**.
3. The application has been amended as follows in order to more clearly describe the invention:

In the Claims:

4. In Claim 3, Line 3, after "and rotated to", the phrase "prevented from loose" has been deleted and replaced therefor by --prevent it from loosening--.
5. In Claim 8, in Line 2, the word --said-- has been inserted before "rear end".
6. In Claim 9, in Line 2, the word --said-- has been inserted before "rear end".

In the Specification:

7. On Page 4, The two paragraphs beginning on Line 5 have been replaced by the following two paragraphs in order to be consistent with the drawing reference characters in Figs. 5-6, wherein (See **NEXT PAGE** for the "**clean copy**"):
 - each occurrence of the reference labels "61", "62" and "63" has been deleted and replaced therefor by --51--, --52-- and --53-- respectively; and
 - each occurrence of the reference labels "51", "52" and "53" has been deleted and replaced therefor by --61--, --62-- and --63-- respectively --

Replace the aforementioned two Paragraphs beginning on Page 4, Line 5, with the following:

-- FIG. 5 shows a third embodiment of the invention. The mechanism is also composed of a fastening portion 61, a connecting portion 62 and a pushing portion 63. The fastening portion 61 is fixed with adhesive to the thermometer 10 at a position near the probe 11. The connecting portion 62 is an outward bending for user to press. The pushing portion 63 is a fork touching a part of rear end of the probe cover 20. Since the fastening portion 61 is fixed, when the connecting portion 62 is pressed, the pushing portion 63 is then moved forward to push the probe cover 20 released from the probe 11.

Similarly, in FIG. 6, a fourth embodiment of the invention, the mechanism is also composed of a fastening portion 51, a connecting portion 52 and a pushing portion 53. The fastening portion 51 and the connecting portion 52 are the same as that of FIG. 5, but the pushing portion 53 is a ring to touch the rear end of the probe cover 20. The function of the mechanism is just the same as that of the third embodiment. This kind of structure is very simple and easy to make. --

Reasons for Allowance

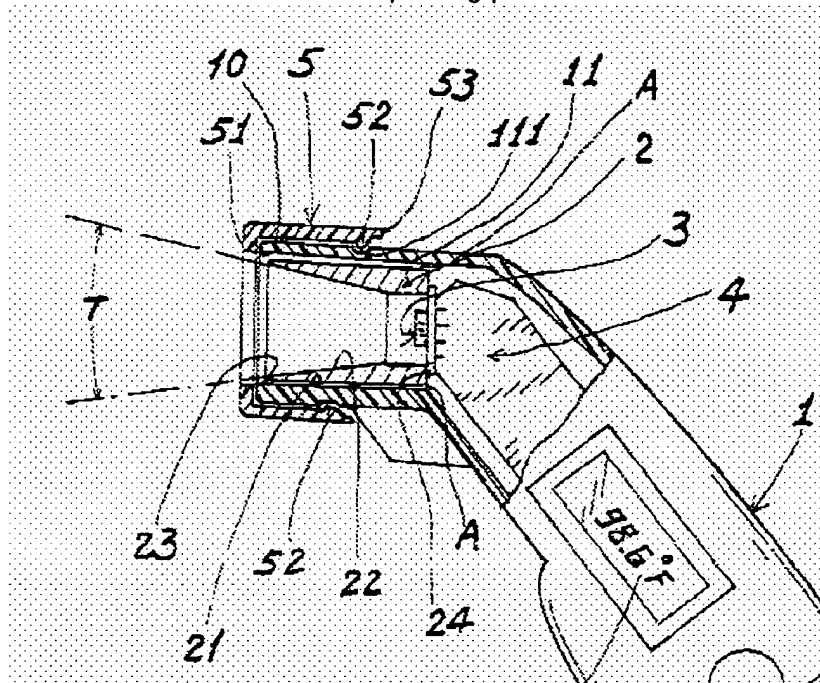
8. The following is an examiner's statement of reasons for allowance:
9. Claim 1 is allowable because the prior art of record fails to teach or fairly suggest a mechanism, applicable to an ear thermometer, for removing a probe cover mounted on a probe of the thermometer, including a connecting portion, as a bendable structure having one end connected to a fastening portion, and including a pushing portion, connected to another end of said connecting portion as defined in the claim in combination with the other limitations, each arranged and functioning as recited in claim 1.
1. Claims 2-10 are allowable by virtue of their dependency upon claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

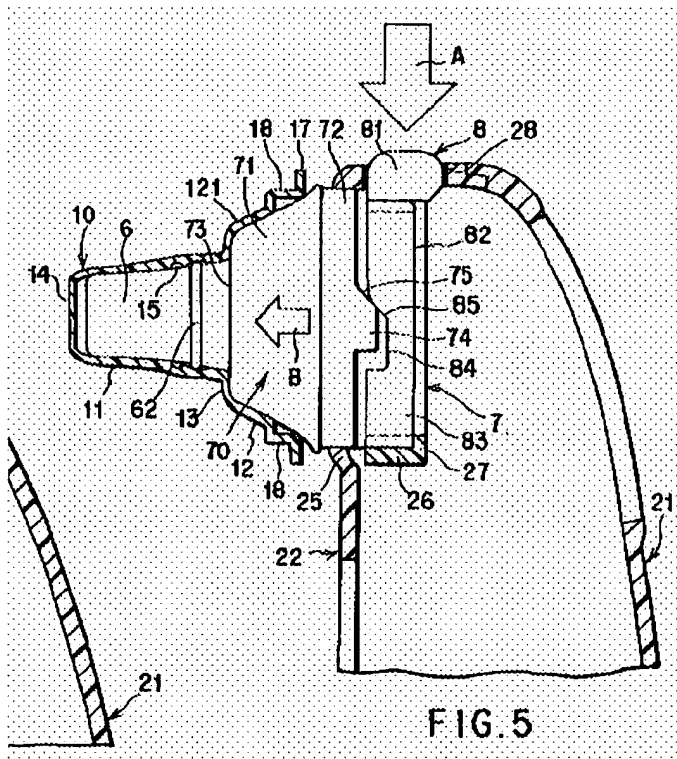
Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related mechanisms for removing probe covers from thermometers.

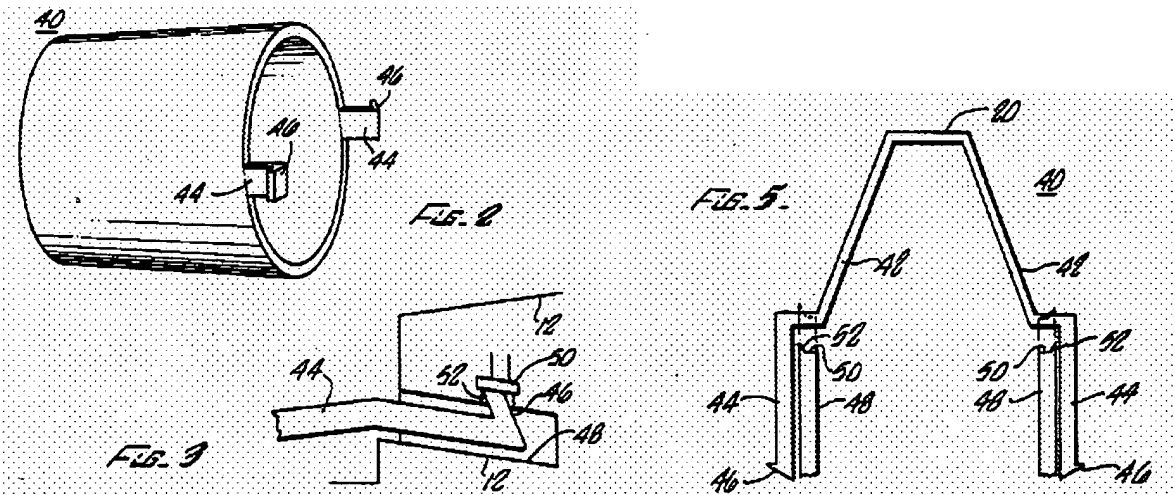
US 20030067958 A1 (JANG) discloses (see Fig. 1, portion below) a probe cover (cap 5) mounted on probe 11 using tenons 52 (see Paragraph 0012). The cap walls constitute a bendable structure having one end connected to a fastening portion 52. A pushing portion is considered to be the lugs 53 on bottom rim of cap 5. JANG does not disclose or suggest a connecting portion connected to said fastening portion at "one end" and connected to a pushing portion at "another end" as claimed by Applicant.



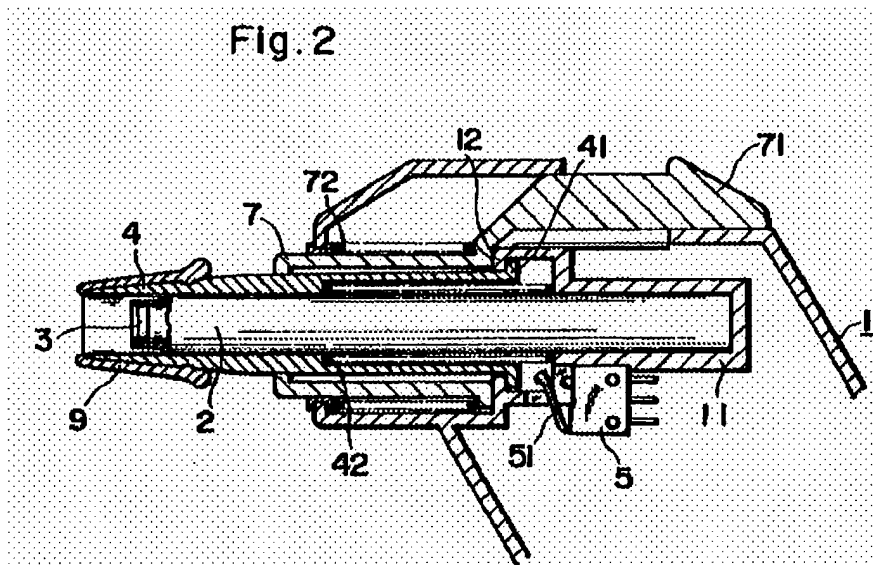
US 6367973 B2 (YAMAKA) discloses a detaching mechanism (See Fig. 5, below) fixed to the thermometer, and including a push button 8, but lacks a connecting portion, as a bendable structure, arranged and functioning as claimed by Applicant, in combination with the other limitations of Claim 1.



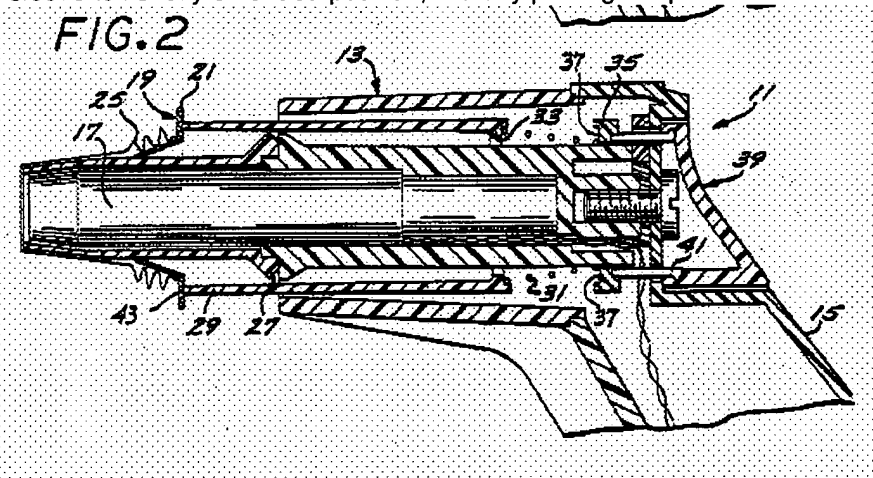
US 5411032 A (Essef et al.) discloses (see Figs. 2-3, and 5, below) a probe cover 40 and recess 48. Switch 50 is depressed by the presence of legs 44 in order to indicate the probe cover is attached, and upper face 50 is a portion of ejector that provides force to remove the probe cover (Col. 5).



US 5340215 A (Makita et al.) discloses a detaching mechanism (See Fig. 2, below) fixed to an ear thermometer (case body 1), including slider 71 with pushing member 7 which pushes off the cover 9 from the probe 4.



US 4863281 A (Suszynski) discloses (Fig. 2, below) a probe ejector mechanism including a manually-actuable button 39 that urges the ejector sleeve 29 into engagement with the probe cover 19, to free the probe cover's resilient ring from the probe's flange, whereupon the spring thereafter urges the ejector sleeve to its fully extended position, thereby peeling the probe cover from the probe.



The other prior art cited disclose related thermometer probe ejection mechanisms.

- US 4588306 A (Burger, Laurie J. et al.)
- US 4159766 A (Kluge, Douglas J.)
- US 4112762 A (Turner, Robert Bruce et al.)
- US 3999434 A (Yen, David H.)
- US 3929018 A (Turner, Robert Bruce)
- US 3905232 A (Knute, Wallace L.)
- US 3738479 A (Sato, Stephens N.)

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stanley J. Pruchnic, Jr., whose telephone number is **(571) 272-2248**. The examiner can normally be reached on weekdays (Monday through Friday) from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. F. Gutierrez can be reached at **(571) 272-2245**.

The **Official FAX** number for Technology Center 2800 is **(703) 872-9306** for **all official communications**.

Any inquiry of a general nature or relating to the status of this application or proceeding may be directed to the official USPTO website at <http://www.uspto.gov/> or you may call the **USPTO Call Center** at **800-786-9199** or 703-308-4357. The Technology Center 2800 Customer Service FAX phone number is (703) 872-9317.

The cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources.

Private PAIR provides external customers Internet-based access to patent application status and history information as well as the ability to view the scanned images of each customer's own application file folder(s).

For inquiries relating to Patent e-business products and service applications, you may call the **Patent Electronic Business Center (EBC)** at **703-305-3028** or toll free at **866-217-9197** between the hours of **6 a.m. and midnight Monday through Friday EST**, or by e-mail at: ebc@uspto.gov. Additional information is available on the Patent EBC Web site at: <http://www.uspto.gov/ebc/index.html>.



Stanley J. Pruchnic, Jr.
6/15/04



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